

# **EXHIBIT I**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

**JEREMY ZIELINSKI, TRAVIS HUDSON, BRUCE  
MOSES, OSCAR NUNEZ, JEAN MARC DESMARAT,  
AND DAVID HAIGH, *on behalf of themselves and all  
others similarly situated,***

**Plaintiffs,**

**v.**

**NEW YORK DEPARTMENT OF CORRECTIONS AND  
COMMUNITY SUPERVISION; ACTING  
COMMISSIONER DANIEL F. MARTUSCELLO III, *in  
his official capacity;* SUPERINTENDENT DAVID  
HOWARD, *in his official capacity;* and DEPUTY  
SUPERINTENDENT FOR PROGRAM SERVICES  
DANIELLE GLEBOCKI, *in her official capacity***

**Defendants.**

**No. \_\_\_\_\_**

**DECLARATION OF  
JEREMY ZIELINKSI**

I, Jeremy Zielinski, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am a plaintiff in the above action, which challenges defendants' refusal to allow me to congregate for a religious celebration with other incarcerated people for whom the April 8, 2024 total solar eclipse (the "Eclipse") has religious significance.

2. I make this declaration in support of my instant motion for a temporary restraining order and preliminary injunction barring defendant Daniel Martuscello from enforcing a statewide prison lockdown planned for April 8, 2024 from 2:00PM to 5:00PM that will, unless modified to allow religious exemptions, prevent any congregate observation of the Eclipse in any DOCCS facility.

3. This case ultimately distills to the question of whether the defendants' refusal to allow me and other people to engage in a congregate Eclipse Day celebration imposes a "substantial burden" on a "religious exercise" in violation of the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. §§ 2000cc et seq. ("RLUIPA"). I'll thus describe my sincere religious beliefs, though by necessity in condensed form, then show how the defendants' refusal substantially burdens those beliefs.

4. Since I entered DOCCS custody in late 2016 I've identified my religious beliefs as Atheist.

5. Many people misunderstand what this means. Atheism is often equated with lack of any religious beliefs, thought of as mere "denial of the existence of God" or something to that effect, or treated as equivalent to materialism. None of these is accurate.

6. I summarize Atheism rather as a religious devotion to using only science and reason to ask and answer all questions, including, most importantly, the "ultimate questions" and "deep and imponderable matters" that form the stuff of conventional religions – the nature of reality and our place in it, whether consciousness survives death, the proper basis for and content of a moral code, and so on.

7. Contrary to popular misconception, Atheism is, in fact, based on faith. Faith is our capacity to act in matters of great importance, on the premise that a particular proposition is true, because it's sufficiently convincing to call a belief, even though it contains some remainder of uncertainty that prevents it from being classified as true knowledge. Atheists use science to ask and answer questions, but not merely as a practical enterprise: It's how we seek truth, which is what we consider divine.

8. The terms “truth” and “divine” are of course subject to different interpretations. I mean them, however, as follows: Truth is awareness. Divinity is expansion. William James said (in *The Varieties of Religious Experience*) that “there never can be a state ... to which new meaning may not truthfully be added, provided the mind ascend to a more enveloping point of view.” It’s this kind of ascension that I mean by divine: In Atheism, divinity is not an entity nor a property of any entity – a god, for example – but rather is a process: It is the process, the experience, of converting curiosity into consciousness, of seeking answers and finding them.

9. If there’s any defining characteristic of Atheists, it’s that we are curious. We seek above all else to *know*, to *learn*, to *expand*, to become *more aware*, of the world, of reality, of ourselves, and of others. In Atheism, all acquisition of knowledge is divine. To become more aware of stars and subatomic particles, of the relations we share with each other, of what brings our closest companions joy – to the deepest extent possible – is not merely the means to an end, for there is no end: Every question rightly asked leads to answers, and every answer rightly found leads to yet more awesome questions. And we rejoice that so far as we can tell, no matter how small or great our awareness might be, no matter how vast the darkness might be surrounding what the light of our knowledge reveals, existence knows no bounds to its willingness to yield the darkness to our curiosity – provided we make the right inquiries. To keep on this path, even when we discover what we thought of as knowledge belongs more properly in the category of belief, when what we become aware of requires us to recognize beliefs as mistakes, requires faith. It can’t be *proven* that the questions we sow will reap fruits of knowledge in the future, it can’t be

known to a certainty, but we *believe* it and *choose* to act on it hopefully – curiously. This, in the truest sense, is faith.

10. In another sense, faith is what we rely on to stay hopeful through times of great difficulty in our lives, even when it seems there's good reason to give up. In this latter sense, Atheists can and do rely on the old-world religions' vast repository of wisdom, much of which is so self-evident that questioning it would be profoundly unscientific. The Golden Rule, for instance, or the trichotomy presented by the Serenity Prayer. They also made some mistakes, but that doesn't diminish what they found. Flowers are not made less beautiful by the field having a few weeds.

11. I obviously don't speak for all Atheists, and clearly not every Atheist would describe their beliefs in this way. But this is, in my experience a concise approximation of the driving faith behind Atheism as practiced today. At the very least, it's how I practice it.

12. In this case, I asked to observe the April 8 solar eclipse to celebrate scientific achievement. I believe that by celebrating the curiosity behind discoveries like astrophysics and the ability to know precisely when an eclipse will occur, we can inspire even more penetrating inquiries – issues like the nature of time, of life, of human connection, of matter and consciousness and how they relate, and similar areas of inquiry that, we hope, our descendants will wonder at why we didn't explore sooner. Our world is conflicted, injured by our contentiousness, by disagreements that threaten to rend the very fabric of human society, to annihilate millennia of progress in an armageddon of our own design. Think of great works like the Bible, the Quran, the vast body of philosophy, of law, of poetry, music, art, our ability to manipulate individual atoms at so low a cost we had to invent new kinds

of math to measure it. What would it cost us if even a fraction was lost through being careless, for not recognizing its irreplaceable value and acting to ensure we protect it? Our world is a paradise beyond what our ancestors just a few centuries back could even imagine. And yet, it's the product of choice: Of what we've chosen to ask of reality, of the light we've divinely shined into the darkness.

13. It's for this reason I believe that what I've referred to as Eclipse Day simply, absolutely, unavoidably, *must* be a multifaith event. Whatever their mistakes – and this includes Atheism – the world's great religions all have this much in common: They seek truth because they recognize its divinity. Every religion worthy of the name originated in a single individual becoming *aware* of some greater part of reality than their contemporaries were capable of perceiving. Each person with any kind of faith has this much in common: At some point in their lives, they've reached the limits of their understanding, found themselves at the boundaries of their awareness, glimpsed the darkness that lies beyond, and taken a step more or less boldly on with nothing but their own light to guide them – then returned to share with the rest of us what they found. It's that kind of courageous curiosity I believe we most desperately need to navigate the terrain we now find ourselves on as a people. The most effective way to identify the areas of darkness we most need to explore, to disseminate awareness of how to enlighten them quickly, is to bring as many people as possible together who've exercised their faith not in the same way, but in *different* ways.

14. That is, I believe that what we need most now is not sameness, but distinctiveness, not the same well-worn paths to the same well-lit settlements, but divine trailblazers to new understandings. We've reached the capacity of bounded faith to provide

enough light for our world – the darkness beyond what we know has become at once more inviting and more nebulous, subtler, more active. It challenges us, tests us, yields but mirage to the individual wavelengths that served us so well in the past. To light the next steps in our shared path to ascension, we have to combine what we've learned in new ways, ask more articulate questions.

15. It's simply not possible to do that alone. The nature of reality requires that, to find new truths, faith itself innovate, develop new tools, create new instruments, imagine – and make real – a more advanced, more evolved, type of curiosity – one that's only possible together.

16. I know this case is immeasurably small. The eclipse I seek to observe with others is fleeting, an event that will be gone in a cosmic instant, barely measurable against infinite time. But that same fleetingness makes it valuable in as large a degree as its duration is brief. Moments when people of vastly different faiths converge in a single shared joy are exceedingly rare. The price of missing any is unknowable, but substantial by any measure.

I declare under penalty of perjury that the foregoing is true and correct.

Dated:           Woodbourne, New York  
                  March 27, 2024

/s/ Jeremy Zielinski  
JEREMY ZIELINSKI, Plaintiff  
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